

01FN046US  
Amendment dated 09/02/2004

09/916,529  
Reply to office action mailed 07/19/2004

02230028aa

**REMARKS**

Claims 1-3 and 5-9 are currently pending in the application. By this amendment, claims 1 and 6 are amended for the Examiner's consideration, and claims 3 and 9 are canceled without prejudice. The foregoing separate sheets marked as "Listing of Claims" shows all the claims in the application, with an indication of the current status of each .

The Examiner has rejected claims 3 and 6-9 under 35 U.S.C. §112, second paragraph, for indefiniteness on the grounds that these claims are inconsistent with the elected embodiment. The present amendment overcomes this ground of rejection as to claims 3 and 9 by canceling claims 3 and 9 without prejudice. It will be observed that the limitation of claims 3 and 9 appears to correspond to the variation described for Figure 11 (non-elected specie Ib) at page 35, lines 1-6. The prior amendment overcame this ground of rejection as to claims 6-8 by deleting the duplicate reference to the "underlying layer" as the last limitation in claim 6. It will be observed that the underlying layer of claim 1 (between the free layer and the lower conductive layer) is denominated a magnetic layer in claim 6.

The Examiner has rejected claims 1-3 and 5 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,469,879 to Redon et al. ("Redon"). The present amendment overcomes the Redon reference by adding as a limitation the distinctive character of free layer 3b in elected embodiment Figure 12 described at page 35, lines 8-10, namely, that free layer 3b is patterned to make the end portion thereof overlap that of vertical bias layer 2b. By contrast, it will be noted that Redon neither discloses nor suggests such a relationship between the free layer and the vertical bias layer. Indeed, Redon's description of the free layer 20 is in terms of an extended portion  $L_{fe}$  in relation to the pinned layer 40, with the vertical bias layer 61 coming into contact with the extended portion  $L_{fe}$  of the free layer (col. 6, lines 7-27). As shown in Figure

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2 of Redon, vertical bias layer 61 is not overlapped by the free layer as compared to Figure 12 of the present invention.

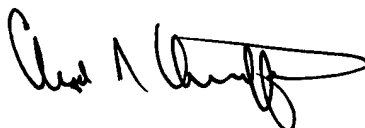
The same distinguishing limitation has also been added to claim 6, and therefore to dependent claims 7-8.

In view of the foregoing, it is requested that the application be reconsidered, that claims 1-2 and 5-8 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at 703-787-9400 (fax: 703-787-7557; email: clyde@wcc-ip.com) to discuss any other changes deemed necessary in a telephonic or personal interview.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Clyde R Christofferson', with a long horizontal flourish extending to the right.

Clyde R Christofferson  
Reg. No. 34,138

Whitham, Curtis & Christofferson, P.C.  
11491 Sunset Hills Road, Suite 340  
Reston, VA 20190  
703-787-9400  
703-787-7557 (fax)

**Customer No. 30743**